

OGC HAS REVIEWED.

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27 September 1955

MEMORANDUM FOR THE RECORD

SUBJECT: Langley Tract

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1. This morning, in company with [redacted] of the Real Estate and Construction Office, I visited Mr. S. Z. Phillips of the Solicitor's Office of the Bureau of Public Roads, Department of Commerce.

2. Mr. Phillips was most helpful and supplied me with the following papers which I am having reproduced:

- a. Copy of the Simmons deed - 1949.
- b. Plat covering the Simmons deed.
- c. Plat covering the Leiter deed - 1949.
- d. He will send me a plat showing all acquisitions at the Langley Research Station.

3. The Simmons property is part of the projected building site. The conveyance is in fee simple with no reservations, and the Attorney General has approved the title.

4. Mr. Phillips advised me that, other than the case called to our attention last week, there are no life estates in the rest of the Research Station tract.

5. We next discussed the question of jurisdiction. Mr. Phillips agreed that both the 1940 Leiter acquisition and the Simmons acquisition of 1940 lead only to proprietary interests since the Bureau of Public Roads has taken no action to accept the concurrent jurisdiction made available by Virginia statute.

6. We discussed the question of control, and I raised the issue presented in an earlier memorandum for the record of the transfer of the Bureau of Public Roads to Commerce on 20 June 1949 and to GSA on 30 June 1949. Mr. Phillips said that actually the 30 June transfer to GSA was made and that subsequently an Executive Order of 20 August 1949 transferred the Bureau to the Department of

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Commerce. I have checked and found that there is no Executive Order of that date, or of any date in 1949, bearing on this problem. However, a careful rereading of the relevant statutes indicates that I was in error in my earlier statement. 5 USC 133z-(4) provides that Reorganization Plans, unless rejected by the House or Congress, become effective 60 days after transmittal. Reorganization Plan No. 7 of 1949 was transmitted on 20 June 1949, but its effective date would actually be 20 August. The net result of all this is that the Bureau of Public Roads was actually under GSA from 1 July through 20 August 1949. However, the sweeping language of the Reorganization Plan seems to leave no title or interest in GSA after the transfer of the Bureau to the Department of Commerce.

7. In summary, title, jurisdiction and control over the Simmons property seems to be identical in all respects with that exercised over the Leiter property acquired by the Bureau of Public Roads in 1940.

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Office of General Counsel

OGC:RFB:mz

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